UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1994/107
2 February 1994
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 17 JANUARY 1994 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you, for the information of the Security Council, the following details of the second special session of the Governing Council of the United Nations Compensation Commission, held on 14 January 1994.

At its 39th plenary meeting, held on that date, the Governing Council proceeded to elect a new Vice-President to replace Hungary, the outgoing member. The delegation of the Czech Republic was elected to fill the position by consensus.

At the same plenary meeting, the Council took note of the consolidated claims submitted, after the deadline established by the Council, by various Governments and agencies making claims on behalf of persons unable to approach a Government. In accordance with article 12, paragraph 2, of the provisional rules of procedure for the processing of claims, the Council decided to accept the aforementioned consolidated claims.

The Council received the report of the Chairman of the Working Group dealing with the "order of preference in meeting claims". It decided that informal consultations and negotiations would continue and that the Working Group would report to the plenary at the next session. However, the Council endorsed the agreement of the Working Group whereby, as an ad hoc measure and without prejudice to the result of the said consultations and negotiations, the first batch of claims in category "B", to be considered by the Council in May, should be met at that time from assets held in the Compensation Fund.

The Secretary-General attended the special session and addressed the Governing Council. The text of his address is annexed to the present letter.

The Governing Council decided that the twelfth session would be held from 21 to 25 March 1994.

Accept, Sir, the assurances of my highest consideration.

(Signed) Fernando VALENZUELA MAZZO
President
Governing Council
United Nations Compensation Commission

Annex

[Original: English]

Remarks by the Secretary-General to the special meeting of the Governing Council of the United Nations Compensation Commission on 14 January 1994 in Geneva

Thank you, Mr. President, for your warm words of welcome, and for your encouraging report on the work of the United Nations Compensation Commission. I am pleased to be able to join the members of the Commission at this special meeting of its Governing Council.

The work of the United Nations Compensation Commission is important. From the beginning, you have understood that the aim of the Commission is to render justice, and that its purpose is to strengthen the rule of law. I am confident that you will achieve this result. I will do my best to help you to succeed.

The decision to establish this Commission demonstrates the continuing vitality of international law, and shows the enduring relevance of the claims of justice. It reflects the expanding role of the United Nations in all aspects of international relations, and shows the innovative way in which the Organization has faced up to its new responsibilities and challenges.

This is indeed an unprecedented undertaking. For the first time in history, the international community will itself take responsibility for ensuring to war victims the processing, adjudication and payment of compensation claims. The Commission will be required to deal with a huge number of claims: until now, 2,335,000 compensation claims have been submitted by 78 Governments on behalf of their citizens, their corporations and themselves, while the deadlines for filing corporate and government claims has not yet expired.

The immense majority of the claims - over 2 million - were submitted by individuals, with the largest groups of claimants coming from Bangladesh, Egypt, India, Jordan, Kuwait, Pakistan, the Philippines, Sri Lanka, the Sudan and Yemen.

The Commission, like its mission, is unique. It is neither a traditional arbitration tribunal, nor a court of law. Its composition, and its procedures, are special. They reflect the peculiar nature of the Gulf War conflict, and the special plight of the victims of that conflict.

As a subsidiary organ of the Security Council, the Commission is assured that its adjudications will be strongly supported. I am also pleased to add, however, that, by selecting commissioners of the highest international standing, this Governing Council has enhanced the reputation of the world Organization and offered to world public opinion - and to all parties concerned - the guarantee of an independent process.

It is expected that, by April 1994, you will be in a position to act on the first awards for compensation. Together, we must work to ensure that sufficient

funds are secured to allow the Commission to honour these awards. We must also work hard to ensure that the Commission is able to meet its other commitments during the present year. Fulfilment of this pledge would be a profound statement of our seriousness and determination. By bringing justice, it would also help to bring needed relief to many suffering victims.

In closing, I wish to express my gratitude and appreciation for your tireless efforts in this very complex and difficult endeavour. I would especially like to commend the Governments of Belgium and Spain for the excellent manner in which they have performed the critical functions of the presidency.

My presence here today reflects my deep appreciation for the important work in which the Commission is engaged. I hope that it will also serve to underline to all concerned the international community's condemnation of aggression, and its rejection of violence as a means of resolving disputes.